

TAB 6

EXCERPTS FROM THE TIMEKEEPERS HANDBOOK

OTHERS INVOLVED IN TIMEKEEPING

Introduction

In addition to timekeepers, other people involved in timekeeping functions include:

- Personnel and Pay Systems Division (PPSD)
 - Servicing personnel officers
 - System administrators
 - Payroll liaisons
 - Employees
 - Supervisors/Leave-approving officials
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PPSD

PPSD is responsible for:

1. Computing salary payments, lump-sum leave payments, and cash awards payments;
 2. Maintaining official pay and leave records;
 3. Withholding monies as authorized by employees or regulations;
 4. Establishing procedures for keeping time and leave accounts; and
 5. Ensuring that timekeeper procedures and regulations are followed.
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Servicing Personnel Officer

Servicing personnel officers are responsible for:

1. Counseling employees and supervisors on leave policies and regulations; and
 2. Reminding timekeepers and leave-approving officials of their responsibilities at least once a year.
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System Administrator

The system administrator answers day-to-day questions about the timekeeping system you are using. The system administrator transmits the T&A data to the Central System collection point at the end of each pay period.

OTHERS INVOLVED IN TIMEKEEPING

Payroll Liaison

Payroll liaisons are responsible for:

1. Providing guidance and answering questions about timekeeping and errors;
2. Reporting critical errors to PPSD;
3. Reviewing, verifying the accuracy of, and processing error notices, and monitoring progress of actions;
4. Keeping timekeepers informed of policy/procedure changes and ensuring that all memoranda from PPSD are distributed to timekeepers;
5. Receiving and processing reports of missing salary payments, as well as requesting reissue of salary checks when necessary and monitoring progress of the action;
6. Providing information and assistance to managers and employees for requesting Employee Emergency Payments;
7. Providing liaison between timekeepers, payroll, and personnel;
8. Providing new timekeepers with a copy of the *Guide for Timekeeping*, related instructional materials, and other necessary information, as well as distributing revisions or new information and materials to timekeepers.

For additional responsibilities, refer to the Payroll Error Correction Systems (PECS) manual. We also recommend that Payroll Liaisons perform random reviews of timekeeper records and practices to ensure compliance with OPDIV and Department policies and procedures.

Employee

HHS employees are responsible for keeping supervisors informed about their time, attendance, and leave, as well as for ensuring that they have sufficient leave to cover all requests.

They are also responsible for verifying the accuracy of their earnings and leave statements (OS-340) and reporting any errors or omissions.

OTHERS INVOLVED IN TIMEKEEPING

Supervisor

As used here, the term "supervisors" includes leave-approving officials. An important duty of supervisors is to certify that the hours recorded by timekeepers reflect the employee's actual attendance and entitlement to pay and leave.

Supervisors are responsible for:

1. Answering questions about work and leave;
 2. Advising timekeepers:
 - When new employees are entering on duty or when employees are leaving;
 - What tour employees are on;
 - What kind of leave to charge;
 - When overtime and other premium pay should be entered;
 - Whether employees are covered by the Fair Labor Standards Act;
 3. Obtaining leave-supporting documents from employees;
 4. Ensuring that employees have a sufficient leave balance prior to approving leave requests;
 5. Ensuring that overtime, compensatory time, credit hours, etc. are authorized in advance in writing, performed, and properly recorded;
 6. Ensuring that new timekeepers are trained before beginning duties;
 7. Reviewing timekeeper performance regularly;
 8. Notifying the Payroll Liaison of the addition of new timekeepers or any timekeeper changes.
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PROHIBITED TIMEKEEPING PROCEDURES

Introduction

Timekeepers are responsible for the prompt and accurate reporting of T&A information. This has a positive and direct effect on the financial welfare and morale of all employees.

Supervisors have a direct responsibility to oversee and ensure the integrity of the T&A reporting.

Rules



To help ensure the separation of timekeeping responsibilities:

- *Timekeepers*
 - Are prohibited from keeping their own official T&A records; and
 - Cannot modify employee T&A data after supervisor certification.
 - *Supervisors*
 - Are prohibited from keeping or approving their own official T&A records;
 - May *not* permit temporary employees (appointments of 90 days or less) to perform timekeeper duties; and
 - May *not* permit non-Federal employees to perform timekeeping duties;
 - Are expected to periodically examine the Earnings and Leave Statements of all employees, *especially those of employees associated with time and leave reporting.*
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Important



Employees who violate timekeeping procedures may be subject to official reprimand, suspension, or termination.

Employees who deliberately prepare or transmit false data may be subject to termination or criminal penalties including fines or imprisonment.

Chapter 2. Basic Timekeeping Information

GENERAL TERMS

*Administrative
Workweek*

The administrative workweek consists of 7 consecutive calendar days which run from 12:01 a.m. Sunday to 12:00 midnight Saturday.

*Basic
Workweek*

The basic workweek consists of the days and hours within the administrative workweek which make up the employee's regularly scheduled workweek.

For *full-time employees* who work a regular tour, the basic workweek is the 40-hour week.

For *part-time employees*, the basic workweek means the officially prescribed days and hours within the administrative workweek during which the employee is scheduled to be on duty.

Pay Period

A pay period is a 2-week period beginning at 12:01 a.m. on Sunday and ending two weeks later on Saturday at 12:00 midnight. A pay period covers 2 *administrative workweeks*. There are usually 26 pay periods in a pay year, but there are 27 pay periods in some pay years.

Leave Year

A leave year begins with the first day of the first complete pay period in a calendar year and ends with the day immediately before the first day of the first complete pay period in the following calendar year.

A leave year is divided into 26 leave periods which do *not* coincide with pay periods. There are always 26 leave periods in a leave year.

Core Hours

Also referred to as *core time*, core hours are those hours during the workday, workweek, or pay period during which an employee is required to be present for work. If an employee is absent during core hours, he/she must account for the hours with appropriate leave. Core hours are established by each OPDIV.

PAID AND UNPAID STATUS

Introduction

Employees are either:

- Working;
 - On paid leave;
 - On unpaid leave;
 - Absent without leave;
 - Suspended; or
 - Furloughed.
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Time in a Pay Status

Time in a pay status is time for which employees are paid. This includes time when employees are working regular hours or overtime, absent on paid leave or holidays, taking compensatory time or religious compensatory time off, or using credit hours.

Employees are *not* in a pay status when they are absent on unpaid leave (LWOP), absent without leave (AWOL), suspended, or furloughed.

Time Absent

Time absent is time when employees are normally scheduled to be at work, but are *not* at work. This includes time on paid leave and unpaid leave. If the absence is for less than a full day, you must record when the absence began and when it ended.

Regular Hours

Regular hours are hours of work that are paid at the employee's base rate of pay.

Leave

Leave is approved time off from work which may be paid or unpaid. Not every employee is eligible for every type of paid leave.

Unpaid Leave

Unpaid leave (also called *non-pay status*) is time away from the job for which employees do *not* get paid. Types of unpaid leave include:

- Leave without pay (LWOP) - **approved** unpaid leave;
- Absence without leave (AWOL) - **unapproved** unpaid leave;
- Furlough - unpaid leave due to lack of work or funds; and
- Suspension - unpaid leave taken as a result of a disciplinary action.

For more information about unpaid leave, see Chapter 5.

PAID AND UNPAID STATUS

Paid Leave

Paid leave is time away from the job, for which employees receive their base rate of pay. Types of paid leave include:

- Holidays (time off for national holidays);
- Annual leave (for vacations, etc.);
- Sick leave (for illness, injury, or medical/dental appointments);
- Military leave (for Reserve or National Guard duty);
- Funeral leave (only granted to an employee in connection with the funeral of, or memorial service for, an immediate relative who died as a result of wounds, disease, or injury incurred while serving as a member of the armed forces in a combat zone);
- Administrative leave (approved time away from the job that is not charged to any other category);
- Court leave (to be a juror or, in some cases, a witness);
- Voting leave (to allow time to vote or to register to vote);
- Home leave (for overseas employees); and
- Time off incentive award (when an employee is granted time off from duty without loss of pay as an incentive award in recognition of superior accomplishment).

For more information about paid leave, see Chapter 4.

Credit Hours

Only employees on a flexible work schedule may earn and use credit hours. Credit hours are hours of work performed within a flexible time band, at the employee's option and with the approval of the supervisor, in excess of the basic work requirements. Employees may then use the credit hours they have earned to take time off later.

For more information about credit hours, see Chapter 13.

PAID AND UNPAID STATUS

Compensatory Time

Compensatory time (comp time) is compensation for overtime work on the basis of time off equal to the number of hours of overtime work performed. Instead of being paid for overtime hours worked, extra hours worked are accrued for later use by the employee as a type of leave. Compensatory hours must be worked *before* they may be used.

General Schedule employees may choose to earn compensatory time rather than overtime. Federal Wage System employees may *not* earn compensatory time unless they are on a compressed or flexible work schedule. (Do not confuse regular compensatory time with religious compensatory time.) For more information about compensatory time, see Chapters 9 and 10.

Religious Compensatory Time

Religious compensatory time is time off for a religious holiday. Subject to supervisory approval, all employees may elect to work additional time in order to take time off to accommodate religious beliefs. Employees may work the additional time either before or after taking religious compensatory time off. For more information about religious compensatory time, see Chapter 7.

Continuation of Pay

Continuation of pay (COP) is time off for disabilities due to on-the-job injuries. COP provides for continuation of an employee's regular pay for up to 45 calendar days. For more information about COP, see Chapter 6.

Premium Pay

Premium pay is extra pay for overtime, Sunday work, night work, holiday work, standby duty, or administratively uncontrollable overtime work. **Exception:** For Federal Wage System employees, night work is not considered to be premium pay. For more information about premium pay, see Chapters 9 and 10.

Differentials

Differentials are differences in the rates paid to equal employees doing the same work because of differing conditions, such as work at night or work involving hazardous conditions. For more information about differentials, see Chapters 9 and 10.

TYPES OF TOURS AND SCHEDULES

Tour of Duty

A tour of duty (also called a *tour*) describes the hours of a day (a daily tour of duty) and the days of an administrative workweek (a weekly tour of duty) that constitute an employee's regularly scheduled administrative workweek. A tour of duty is scheduled in advance and the employee is expected to perform work during the tour on a regularly occurring basis.

Standard Tour

A standard tour is one that generally consists of 40 hours a week or 80 hours a pay period. Employees with standard tours may work a *regular work schedule* or may participate in an *alternative work schedule*, if so allowed by their OPDIV.

The most common regularly scheduled tour is 8 hours a day, 5 days a week (Monday through Friday), which is 80 hours a pay period.

Regular Work Schedule

A regular (or normal) work schedule is a fixed schedule consisting of 8 hours a day, five days a week, generally Monday through Friday. The days of the week and the beginning and ending hours of the day are set. There is no flexibility in the regular work schedule.

Alternative Work Schedule

There are two types of work schedules jointly referred to as *alternative work schedules (AWS)*. They are the *compressed work schedule (CWS)* and the *flexible work schedule (FWS)*. Either of these schedules is available to employees upon approval from their Operating Division head or Regional Director.

See information on AWS, see Chapter 13.

Compressed Work Schedules

A *compressed work schedule (CWS)* is one of the alternative work schedules in which an employee's basic work requirement for each pay period is scheduled by the Agency for less than 10 days. An Agency may have more than one CWS from which an employee may select his/her preferred schedule.

Compressed work schedules are always fixed schedules. They are *not* flexible in any way.

TYPES OF TOURS AND SCHEDULES

Compressed Work Schedules (cont.)

Full-time employees on CWS schedules are scheduled to work more than 8 regular hours on some days. They complete their required 80 hour tours in less than 10 days in a bi-weekly pay period.

Part-time employees on CWS schedules may be scheduled to work more than 8 hours on some days in order to work the number of hours required to complete their tours in less than 10 workdays during the bi-weekly pay period.

See Chapter 13 for more information on CWS.

Flexible Work Schedules

A *flexible work schedule* includes designated hours (**core hours**) and days when an employee **must** be present for work. It also includes designated hours during which an employee **may** elect to work in order to complete the employee's basic (non-overtime) work requirement.

Flexible hours - Flexible hours (also referred to as *flexible time bands*, *flexitime*, or *flextime*) are the hours during the workday, workweek, or pay period within the tour of duty during which an employee covered by a flexible work schedule may choose to vary his or her times of arrival to and departure from the worksite, consistent with the duties and requirements of the position. The flexible time bands are established by the OPDIV. Do *not* confuse flexitime with flexitour.

Employees on flexible work schedules may earn and use *credit hours*.

For more information on flexible work schedules, see Chapter 13.

Non-Standard Tours

Some employees work unusual or non-standard tours. They are:

- Title 38 (Baylor and Non-Baylor Plans)
- Tours worked with hours in excess of 8 hours a day or 40 hours a week (e.g., firefighters and law enforcement employees).

For example, some *firefighters* work 24-hour shifts, for a total of 112 hours or 144 hours per pay period. For more information on Title 38, see Chapter 12. For more information on firefighters and law enforcement employees, see Chapter 11.

Chapter 3. Regular Hours

OVERVIEW

Introduction

For most employees, follow General Schedule or Federal Wage System timekeeping procedures. Exceptions are Senior Executive Service, Title 38 Baylor Plan employees, experts/consultants.

An employee is either at work, working his or her regularly scheduled tour (regular hours), or on leave (either paid or unpaid). Regular hours are hours of work that are paid at the employee's base rate of pay and are only recorded for hours that the employee actually works. Do *not* record hours spent on leave under regular hours. When an employee works regular hours or uses paid leave, the employee is in a pay status. When an employee is on unpaid leave, he or she is *not* in a pay status.

The total number of hours (regular hours plus paid leave hours plus unpaid leave hours) for the 2-week pay period **must** equal the number of hours in the employee's official tour of duty.

For information on paid leave and unpaid leave, see Chapters 4 and 5.

Reminder

An employee's *regularly scheduled tour* is the period within the administrative workweek when the employee is regularly scheduled to work. A tour is defined by the days of the week, number of hours a day, number of days per week, and number of hours per pay period that the employee is assigned to work. The most common regularly scheduled tour is Monday through Friday, 8 hours a day, 5 days a week, and 80 hours a pay period. Tours for employees on *alternative work schedules* vary, but are still regularly scheduled tours. See Chapter 13 for information on alternative work schedules.

The two week pay period covers 2 administrative workweeks. The administrative workweek is 7 consecutive days from 12:01 a.m. on Sunday through midnight Saturday. The basic workweek for full-time employees on a regular tour is the 40-hour week.

Do *not* record regular hours on days outside the employee's regularly scheduled tour.

REGULAR HOURS

General Schedule (GS) Employees

General Schedule (GS) employees are paid under Title 5 of the U.S. Code and the Fair Labor Standards Act.

GS is the basic pay schedule. For a list of pay plans that follow GS procedures, see the pay plan table in Chapter 2.

Pay Basis - Pay for GS employees is based on an annual salary. For pay calculation purposes, the hourly rate for regular hours is derived by dividing the annual salary by 2087. See Chapter 9 for premium pay.

Federal Wage System (FWS) Employees

Federal Wage System (FWS) employees (also called prevailing rate employees) are paid according to rates set by Wage Boards. These Wage Boards set the rates according to what non-government workers in the same part of the country, who are doing the same kinds of work, are being paid.

For a list of pay plans that follow FWS procedures, see the pay plan table in Chapter 2.

Pay Basis - Pay for FWS employees is based on established hourly rates rather than on annual salary. See Chapter 10 for premium pay.

FWS Table - Shifts

FWS employees work one of 3 different shifts as described below:

IF A MAJORITY OF HOURS OF EMPLOYEE'S REGULAR TOUR ARE...	THEN EMPLOYEE'S REGULAR HOURS ARE DURING...
from 7:00 a.m. to 3:00 p.m.	Shift 1
from 3:00 p.m. to midnight	Shift 2
from 11:00 p.m. to 8:00 a.m.	Shift 3

FWS employees must be scheduled for *a majority of their hours* during a shift (including meal breaks) to receive that shift rate (i.e., at least 5 hours of an 8-hour shift). Otherwise they receive the next lowest rate.

Note: All hours of a shift which begins on one day and ends on the following day are recorded on the day the shift begins.

REGULAR HOURS

Meal Breaks

Employees are *not* paid for meal breaks. Do *not* record time taken for meal breaks under regular hours worked. **Exception:** Firefighters are paid for their meal breaks.

According to Title 5, breaks of more than 1 hour may not be scheduled. Meal breaks are usually scheduled for 1/2 hour. For the time allotted for an employee's meal breaks, check with the employee's supervisor.

Fractions

The standard minimum charge for absence in a paid or unpaid status is 1/4 hour, except in those cases where OPDIV heads have established a minimum of 1/2 hour or 1 hour.

Rule



When employees work less than a full hour, record any fractions in 15-minute increments (15, 30, or 45 minutes). Round 7 minutes or less *down*; round 8 to 14 minutes *up*.

Examples:

- Barry worked 20 minutes (15 minutes + 5 minutes). Enter 15 minutes.
 - Marta worked only 4 minutes. Do not enter anything.
 - Charlie worked 27 minutes (15 + 12). Enter 30 minutes.
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Daylight Savings Time

Spring Night Shift: Clocks are advanced 1 hour; the regular 8-hour tour is reduced to 7 hours. When an employee loses an hour due to an official time change, he or she is automatically charged one hour of leave, unless the supervisor approves the employee's request to work an extra hour.

Fall Night Shift: Clocks are set back 1 hour; the regular 8-hour tour is increased to 9 hours. Employee receives overtime pay for the extra hour.

Note: Employees earn only 8 hours of Sunday premium pay for tours on Sunday.

Chapter 4. Paid Leave and Holidays

OVERVIEW

Introduction

Paid leave and holidays are the same for permanent full-time GS and FWS employees.

Each OPDIV is responsible for establishing procedures for use of leave. Generally, all anticipated leave should be requested in advance, with emergency leave being requested as determined by each OPDIV.

It is possible for an employee to use more than one type of leave on the same day, and to use both paid and unpaid leave in the same day.

Regular hours plus paid leave hours plus unpaid leave hours plus holiday hours must equal the total hours in the biweekly scheduled tour of duty.

If an employee is absent on leave for less than a full day, you must record the time that the absence began and the time that the absence ended, or the *actual hours absent*. If an employee is absent all day, it is not necessary to record times that the absence began and ended.

Rule - Meal Break



If absence is less than a full day and part of the absence includes the meal break, adjust the time to account for the break so that the employee is not charged leave for the meal period. **For example:**

If an employee who ordinarily takes a ½ hour lunch break from noon to 12:30 p.m. is absent on paid leave from noon to 2:00 p.m.:

Charge leave from 12:30 p.m. to 2:00 p.m.

Leave Year

A leave year begins with the first day of the first complete pay period in a calendar year (the first pay period of the calendar year in which all of the days of the pay period are in January). A leave year ends with the day immediately before the first day of the first complete pay period in the following calendar year.

HOLIDAY NOT WORKED

Introduction

A holiday is an official day off *with pay* granted by the federal government; or a day off granted instead of the official holiday, if the holiday falls on a non-work day for the employee.

Record holiday hours as holiday not worked for the day specified as the official holiday.

An application or other request for leave is *not* required for holiday leave. Formal approval is assumed, unless otherwise notified.

Table

For employees who work 5 days in a row *and* are off 2 days in a row:

IF THE HOLIDAY FALLS ON THE...	THEN THE EMPLOYEE GETS THE...
First day off	Day before the holiday off
Second day off	Day after the holiday off

Example: Judy works Monday through Friday.

1. July 4th falls on a Saturday, so Judy gets Friday, the day before the holiday, off.
 2. Christmas falls on a Sunday, so Judy gets Monday, the day after the holiday, off.
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Note

The President may grant "extra" days off for holidays. For example, if Christmas falls on a Tuesday, the President may decide to grant federal employees the Monday prior to the holiday off as well. In this case, a *Presidential Order* will be issued and the extra hours or days granted should also be entered as holiday not worked.

Caution

If employees *work* on a holiday, you must record the hours worked on that holiday. See Chapter 9 and 10 for premium pay.

Under certain conditions, employees who are on unpaid leave do *not* receive holiday pay. See Chapter 5, Unpaid Leave.

APPLICATION FOR LEAVE — The SF-71

Introduction

OPDIVs have the option to either use the Standard Form 71 (SF-71) or to prescribe other procedures and/or forms for requesting leave. Use the procedure prescribed by your OPDIV.

The Standard Form-71 (SF-71), Application for Leave, was designed for the purpose of requesting leave. Employees complete the SF-71 and give it to their supervisors or leave-approving officials. The supervisor signs the form if the leave is approved and gives it to the timekeeper.

See the next page for a copy of the SF-71.

REQUEST FOR LEAVE OR APPROVED ABSENCE

1. NAME (Last, First, Middle Initial)	2. EMPLOYEE OR SOCIAL SECURITY NUMBER
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3. ORGANIZATION

4. TYPE OF LEAVE/ABSENCE (Check appropriate box(es) below.)	DATE From To	TIME From To	TOTAL HOURS	5. FAMILY AND MEDICAL LEAVE
<input type="checkbox"/> Accrued Annual Leave				If annual leave, sick leave, or leave without pay will be used under the Family and Medical Leave Act of 1993, please provide the following information: <input type="checkbox"/> I hereby invoke my entitlement to Family and Medical Leave for: <input type="checkbox"/> Birth/Adoption/Foster Care <input type="checkbox"/> Serious Health Condition of Spouse, Son, Daughter, or Parent <input type="checkbox"/> Serious Health Condition of Self Contact your supervisor and/or your personnel office to obtain additional information about our entitlements and responsibilities under the Family and Medical Leave Act of 1993.
<input type="checkbox"/> Restored Annual Leave				
<input type="checkbox"/> Advance Annual Leave				
<input type="checkbox"/> Accrued Sick Leave				
<input type="checkbox"/> Advance Sick Leave				
Purpose: <input type="checkbox"/> Medical/dental/optical examination of requesting employee <input type="checkbox"/> Other <input type="checkbox"/> Care of family member/bereavement, including medical/dental/optical examination of family member				
<input type="checkbox"/> Compensatory Time Off				
<input type="checkbox"/> Other Paid Absence (Specify in Remarks)				
<input type="checkbox"/> Leave Without Pay				

6. REMARKS:

7. CERTIFICATION: I hereby request leave/approved absence from duty as indicated above and certify that such leave/absence is requested for the purpose(s) indicated. I understand that I must comply with my employing agency's procedures for requesting leave/approved absence (and provide additional documentation, including medical certification, if required) and that falsification of information on this form may be grounds for disciplinary action, including removal.

EMPLOYEE SIGNATURE

DATE

8. OFFICIAL ACTION ON REQUEST: ☐ APPROVED ☐ DISAPPROVED
 (If disapproved, give reason. If annual leave, initiate action to reschedule.)

SIGNATURE

DATE

PRIVACY ACT STATEMENT

Section 6311 of title 5, United States Code, authorizes collection of this information. The primary use of this information is by management and your payroll office to approve and record your use of leave. Additional disclosures of the information may be: To the Department of Labor when processing a claim for compensation regarding a job connected injury or illness; to a State unemployment compensation office regarding a claim; to Federal Life Insurance or Health Benefits carriers regarding a claim; to a Federal, State, or local law enforcement agency when your agency becomes aware of a violation or possible violation of civil or criminal law; to a Federal agency when conducting an investigation for employment or security reasons; to the Office of Personnel Management or the General Accounting Office when the information is required for evaluation of leave administration; or to the General Services Administration in connection with its responsibilities for records management.

Where the employee identification number is your Social Security Number, collection of this information is authorized by Executive Order 9397. Furnishing the information on this form, including your Social Security Number, is voluntary, but failure to do so may result in disapproval of this request.

If your agency uses the information furnished on this form for purposes other than those indicated above, it may provide you with an additional statement reflecting those purposes.

SICK LEAVE

Accrual

Sick leave is accrued beginning with the first full pay period on duty.

Full-time employees earn 4 hours of sick leave for every pay period in which they are in a pay status.

Employees do *not* accrue sick leave for incomplete pay periods, i.e., the first or last pay period if they either:

- begin employment after the first workday of the pay period or
- end employment before the last workday of the pay period.

Exceptions:

- For leave accrual purposes, employees who enter on duty the Tuesday after a Monday holiday are considered to have worked the full pay period. They do accrue sick leave.
- Employees who transfer from another federal agency during the middle of a pay period without a break in service do accrue sick leave.

Sick leave is not affected by the type of appointment or the length of service.

Intermittent employees do not have a regular weekly tour of duty and are not entitled to earn sick leave.

There is no limit on sick leave accumulation.

Loss of Accrual

Full-time employees lose their accrual of 4 hours of sick leave for any pay period in which they accumulate 80 hours, or multiples of 80 hours, in a nonpay status. The total nonpay hours consists of any combination of hours of Suspension, LWOP, and AWOL. The hours of absence need not be consecutive. For more information, see Chapter 5, Unpaid Leave.

SICK LEAVE

Rules



Employees must file a written application for sick leave using the form determined by the OPDIV.

Sick leave for non-emergency purposes must be requested in advance.

Employees must submit evidence as required by their leave approving officials to support approvals of sick leave. Officials have the discretion to require different forms of evidence depending upon the circumstances.

Required doctor's certificates and/or personal statements must be submitted as determined by the OPDIV, generally for periods of absence in excess of 3 consecutive days.

Required evidence must be submitted within a reasonable amount of time after return to duty. Failure to do so is grounds for taking a disciplinary action for failure to follow proper leave procedures.

Leave approving officials may require that employees submit medical documentation during a period of extended sickness in order to obtain information which is necessary for planning work or for determining that the approval of continued leave is appropriate.

If an employee becomes ill within a period of annual leave and, immediately upon returning to duty, submits medical documentation to support the sick leave, sick leave may be substituted for the annual leave.

Annual leave must not be substituted retroactively for regular sick leave. **Exception:** Annual leave may be substituted retroactively only to liquidate an employee's indebtedness for advanced sick leave.

Leave approving officials will usually charge sick leave only at an employee's request. However, officials may place an employee on sick leave without the employee's request when:

- the employee is absent under extenuating circumstances clearly indicating that he/she is unable to work and unable to request leave (e.g., employee is in a coma); or
- the employee reports for duty, but is determined to be unable to work because of mental or physical illness.

SICK LEAVE

Rules (cont.)



If all sick leave is exhausted and the employee is still unable to request appropriate leave, the leave approving official may consider advancing sick leave or charging the continued absence to annual leave or to leave without pay. In addition, the official may pursue the use of the Voluntary Leave Transfer Program on behalf of the employee. Leave approving officials should check with their Servicing Personnel Offices for assistance before charging sick leave without the employee's request or consent.

Use of Sick Leave

Sick leave may be used:

- for emergency and/or non-emergency dental, optical, or medical examination or treatment for physical or mental conditions;
- if the employee is incapacitated for the performance of duties due to physical or mental illness, injury, temporary disability, pregnancy, or childbirth;
- when the organization has made a determination that the employee is incapacitated and meets the requirements for disability retirement, and OPM is processing the employee's retirement application;
- for treatment of a disabled veteran or adjudication of a claim concerning a job-related injury or illness;
- if the employee would, as determined by the health authorities having jurisdiction or a health care provider, jeopardize the health of others by his or her presence on the job because of exposure to communicable disease; or
- in connection with the adoption of a child (including appointments with adoption agencies, social workers, and attorneys, court proceedings, required travel, and any other activities necessary).

See the next section for information on use of sick leave under the Federal Employees Family Friendly Leave Act (FFLA). Information on the Family and Medical Leave Act (FMLA) is in this chapter also.

SICK LEAVE - Family Friendly Leave Act

Federal Employees Family Friendly Leave Act (FFLA)

Subject to limitations set forth in the Federal Employees Family Friendly Leave Act (FFLA), sick leave may be used by an employee:

- to provide care for a member of his/her immediate family as a result of physical or mental illness, injury, pregnancy, childbirth, or who receives medical, dental, or optical examination or treatment; and/or
- to make arrangements necessitated by the death of a family member or to attend the funeral of a family member.

Note: OPDIVs must maintain accurate records tracking the use of sick leave under the FFLA, and report such information as required by OPM for the purpose of evaluating the program.

Family Member Under the FFLA

Under the FFLA a family member is:

- Spouse and his/her parents;
 - Children (including adopted children) and their spouses;
 - Parents;
 - Brothers and sisters and their spouses; and
 - Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.
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Limitations For Using Sick Leave Under the FFLA

The amount of sick leave granted during any leave year under the FFLA may not exceed a total of 104 hours for full-time employees. For part-time employees and employees with an uncommon tour of duty, the amount of sick leave granted during any leave year may not exceed the number of hours of sick leave normally accrued by that employee during a leave year. The following limitations apply:

Full-time employees may use up to 40 hours (or 5 days) of sick leave under the FFLA during a leave year. However,

- To be granted any more than 40 hours (or 5 days) during the leave year, in each instance that the employee uses sick leave under the FFLA, he or she must retain a sick leave account balance of at least 80 hours after deducting the amount to be used. Maximum hours allowed per leave year is 104 (13 days).

SICK LEAVE - Family Friendly Leave Act

Limitations For Using Sick Leave Under the FFLA (cont.)

Part-time employees or employees with an uncommon tour of duty may, under the FFLA, use an amount of sick leave equal to the average number of hours in the employee's scheduled tour of duty each week. However,

- To be granted any amount over the average number of hours in the employee's scheduled tour of duty each week, in each instance that the employee uses sick leave under the FFLA, he/she must retain a sick leave account balance of at least twice the average number of hours in the employee's scheduled tour of duty each week *after* deducting the amount to be used.

Example: Carrie is a part-time employee with a scheduled tour of duty of 40 hours per pay period (20 hours per week). Based on her tour of duty, Carrie will accrue 52 hours of sick leave during a leave year.

The maximum number of sick leave hours that Carrie may use during a leave year under the FFLA is 52 hours, the number of hours equal to the amount she will normally accrue during the leave year.

To use any more than 20 hours in the leave year (the number of hours in her *weekly* tour of duty), Carrie must retain a sick leave account balance of at least 40 hours *after* deducting the amount to be used. To compute her required sick leave balance, multiply Carrie's *weekly* tour (20 hours) times 2 (equals 40). Forty hours is twice the amount of Carrie's weekly tour, and is the balance that she must retain in her sick leave account *after* deducting the amount to be used.

Advanced Sick Leave and the FFLA

Full-time employees may be advanced **up to 40 hours** (or 5 days) of sick leave per year in order to grant the use of sick leave under the FFLA. *Part-time employees or employees with an uncommon tour of duty* may be advanced an amount equal to the number of hours in the employee's scheduled *weekly* tour of duty. (In the example shown above, Carrie may be advanced up to 20 hours per year.)

Sick leave **may not** be advanced in order to meet the requirement to maintain a minimum sick leave balance; *OR* to use additional sick leave for purposes covered under the FFLA when such use would cause the employee's sick leave balance to fall below the minimum required.

ADVANCED SICK LEAVE

Advanced Sick Leave



Sick leave may be advanced, if the employee has a serious disability or ailment, provided that there is a reasonable expectation that the employee will return to duty. Usually the disability or ailment will be of such seriousness as to require a period of absence of at least 5 consecutive work days, unless an absence for a shorter period is determined to be appropriate (for example, intermittent absences for cancer chemotherapy, kidney dialysis, etc.).

Advance sick leave may be granted regardless of whether the employee has annual leave to his/her credit.

The total advance at no time may exceed *30 days, or 240 hours*.

For an employee holding a limited appointment, sick leave must not be advanced in excess of the number of hours of sick leave to be earned during the remaining period of employment.

Sick leave must not be advanced when it is likely the employee will retire, be separated, or resign before the advanced leave will be earned or re-paid.

Sick leave may not be advanced for the purpose of meeting the requirement to retain a minimum sick leave balance or for using additional sick leave for the purposes covered under the Family Friendly Leave Act, when such use would otherwise cause the employee's sick leave balance to fall below the minimum required.

Advanced sick leave is a debt owed to the Federal government. Any sick leave earned after the sick leave is advanced will be used to liquidate the advanced sick leave. An employee separated while indebted for advance sick leave must refund the amount due or have the amount owed deducted from any monies due to the employee.

The employee's request for advance sick leave must be in writing and must be supported by medical documentation.

There is no requirement for granting a request for advance sick leave. Check your OPDIVs' policy or ruling on procedure.

ANNUAL LEAVE

Accrual

Annual leave is accrued based on an employee's length of federal service, beginning with the first full pay period on duty. Full-time and part-time employees who have regular tours of duty are eligible for annual leave.

Intermittent employees do not have a regular weekly tour of duty and are not entitled to earn or use annual leave.

The following table indicates the amount of annual leave accrued by full-time employees. For part-time employees, see Chapter 11.

IF THE EMPLOYEE HAS BEEN WITH THE FEDERAL SERVICE FOR...	THEN FOR EACH FULL PAY PERIOD THE EMPLOYEE EARNS...
0-3 years	4 hours
3-15 years	6 hours - except for the last full pay period in the calendar year when the employee earns 10 hours
over 15 years	8 hours

Employees do *not* accrue annual leave for incomplete pay periods, i.e., the first or last pay period if they either:

- begin employment after the first workday of the pay period or
- end employment before the last workday of the pay period.

Exceptions:

- For leave accrual purposes, employees who enter on duty the Tuesday after a Monday holiday are considered to have worked the full pay period. They do accrue annual leave.
- Employees who transfer from another federal agency during the middle of a pay period, without a break in service, do accrue annual leave.

Maximum Accrual

Annual leave is limited to a maximum accumulation, or carryover, balance of 240 hours for most employees. See the section concerning maximum carryover later in this chapter.

ANNUAL LEAVE

Appointments Less Than 90 Days

Employees with appointments of less than 90 days may not earn or use annual leave. If an appointment is extended or converted to another appointment of less than 90 days, the employee still does not earn annual leave. However, if the appointment is extended or converted to an appointment of *90 days or more*, the employee earns annual leave retroactive to the date of the initial appointment.

If employees under appointments of less than 90 days use leave without pay and then earn annual leave retroactive to the initial date of the appointments as described above, they may *not* substitute annual leave for the leave without pay already used.

Loss of Accrual

Full-time employees lose their accrual of 4, 6, or 8 hours of annual leave for the pay period in which they accumulate 80 hours, or multiples of 80 hours, in a nonpay status. The total nonpay hours consists of any combination of hours of Suspension, LWOP, and AWOL. The hours of absence need not be consecutive. For more information, see Chapter 5, Unpaid Leave.

Special Accrual for Leave Category 6 Employees

Employees in leave category 6 earn a total of *10 hours* of annual leave during the last full pay period of the calendar year (the last pay period of the calendar year in which all of the days of the pay period are in December), regardless of when they entered on duty or changed to leave category 6.

Employees who lose their leave accrual during this particular pay period due to accumulating a multiple of 80 hours of unpaid leave, *lose 10 hours of annual leave*.

Change in Leave Category

The leave category change is based on the service computation date (SCD). It occurs after 3 full years of service and again after 15 full years of service, and goes into effect at the beginning of the pay period following the anniversary date of the SCD. A remark noting the change will appear on the Earnings and Leave Statement.

Exception: If the anniversary date is on Sunday, the first day of the pay period, the new leave category goes into effect that pay period.

ANNUAL LEAVE

Maximum Carryover

For most full- and part-time employees, the maximum *annual leave* that can be brought forward at the beginning of a new leave year is *30 days or 240 hours*. Exceptions to this rule are:

Special Maximum Carryover - Certain employees have brought forward more than the 240-hour maximum since the beginning of 1953. They may bring this higher maximum, or personal leave ceiling, forward until and unless their maximum has been lowered at the end of any leave year since 1953. Once the higher maximum has been lowered at the end of any leave year, the new, lower number becomes the maximum.

Example: Jane had a carryover balance of 320 hours of annual leave at the end of 1953; therefore, 320 hours is Jane's maximum carryover, or personal leave ceiling. She maintained that number of hours carryover until 1960. In 1960 Jane's leave balance at the end of the year dropped to 295. Her new maximum is now 295. If Jane continues to reduce the number of carryover hours at the end of the leave years, her maximum carryover balance will be reduced until it reaches the 240 hours limit.

Overseas Employees - Overseas employees are allowed 45 days or 360 hours of maximum annual leave carryover. Service must be outside the 50 states and outside the U.S. territory (or Puerto Rico) of residence.

Non-Standard Tours - Employees who are on non-standard tours of more than 40 hours a week and more than 80 hours a pay period (e.g., firefighters) can also have more than 240 hours maximum annual leave carryover.

Senior Executive Service - SES employees accrue annual leave with a 90 day (720 hours) limit on carryover hours. Any annual leave accumulated prior to the SES appointment which was in excess of the maximum carryover, or personal leave ceiling, for the prior non-SES appointment must be used or forfeited by the end of the leave year in which appointed. For further information, see Chapter 2.

ADVANCED ANNUAL LEAVE

Advanced Annual Leave



Employees have no entitlement to advance annual leave. However, under very unusual circumstances, an employee may be granted advance annual leave.

The maximum advanced annual leave that may be granted to an employee is an amount equal to the number of hours the employee will earn by the end of the appointment or the end of the current leave year, whichever is sooner.

Advanced annual leave is a debt owed to the Federal government. Any annual leave earned after the annual leave is advanced will be used to liquidate the advanced annual leave. An employee separated while indebted for advanced annual leave must refund the amount due or have the amount owed deducted from any monies due to the employee.

Annual leave must *not* be advanced when it is likely the employee will retire, be separated, or resign before the advanced leave will be earned (repaid).

RESTORED ANNUAL LEAVE

Introduction

As a general rule, annual leave in excess of the maximum carryover balance is forfeited if not used by the end of the leave year. This excess annual leave, sometimes called "use or lose" leave, may be considered for restoration *only under certain special circumstances*. If, after consideration, annual leave is restored, those hours are then referred to as *restored annual leave*.

Each OPDIV Head has been delegated the authority to determine that an exigency of public business exists and to approve restoration of forfeited annual leave. All requests for determination of exigencies or for restored leave must be forwarded to the OPDIV appointed person.

In addition to Department and Federal policies and regulations, each OPDIV has its own policies and procedures regarding restored leave which must be used in conjunction with this guide.

Important



OPM regulations require that "use or lose" annual leave must be scheduled in writing at least *three pay periods prior to the end of the leave year*, or it may *not* be considered for restoration.

The Department has no authority to waive this requirement.

Conditions



- a. Forfeited annual leave may be *considered* for restoration *only* under one of the following conditions:
1. To correct an administrative error, when the error causes the loss of annual leave.
 2. When annual leave was scheduled in writing, in advance, but its use was denied because of an exigency of the *public* business.
 3. When use of scheduled annual leave is prevented by illness or injury, *provided that* the annual leave was scheduled in writing, in advance, and its use could not be rescheduled between the termination of the illness and the end of the leave year, either because of an exigency or because the termination of the illness occurred too late in the leave year to permit rescheduling.

RESTORED ANNUAL LEAVE

Conditions
(cont.)



- b. The leave-approving official must approve the employee's request "in writing, in advance" for "use or lose" annual leave for use at the time requested by the employee *OR*, if that is not possible, must reschedule it for use at some other mutually agreeable time before the end of the leave year.
- c. If an exigency of public business arises which necessitates cancellation of the employee's "use or lose" annual leave, the situation must be presented to the official with authority to make an exigency determination who must decide:
 - 1. Whether or not an exigency of public business exists which is of such importance that an employee cannot be released from duty (See following section, Exigency.); and
 - 2. Whether or not there is any reasonable alternative to the cancellation of an employee's "use or lose" annual leave, or to the assignment of that employee to the work generated by the exigency. Determination to cancel an employee's leave must be documented. (See page 4-20.)
- Important:** Determination of the exigency must be made before the employee's scheduled leave is canceled and not after the fact.
- d. If the requirements in b and c above are not met (i.e., if the employee's request was submitted but not approved, or the exigency determination was not made before the employee's leave was cancelled), this may be considered an administrative error and the forfeited annual leave may be considered for restoration.

However, if the employee did not request the leave in writing in advance (prior to three pay periods before the end of the leave year), this cannot be considered an administrative error and the forfeited annual leave cannot be restored.

The *only* exception is for a prolonged illness preceding the end of a leave year, where the employee may be presumed to have requested proper scheduling of the annual leave.

RESTORED ANNUAL LEAVE

Conditions (cont.)



- e. If an exigency or illness that caused the cancellation of an employee's "use or lose" annual leave terminates before the end of the leave year, every effort must be made to reschedule the annual leave before the end of the leave year in order to avoid forfeiture.
-

Exigency

An *exigency of public business* is a crisis in which the *public* is in need of immediate assistance. The determination that such a situation exists must be made by the appointed official in each OPDIV.

The determination must be documented and must include:

- Date of determination that the exigency exists;
- Specific beginning and ending dates of the exigency (dates must be fixed);
- Nature of exigency (describe);
- Any other factors which support the exigency decision.

Except where it is made by the head of the OPDIV, the determination may not be made by any official whose leave would be affected by the decision.

Reminder: The determination of an exigency must be made before an employee's scheduled leave is cancelled and not after the fact.

Extended Exigency

An extended exigency is defined as significant circumstances that meet all of the following four conditions:

1. Threaten the national security, safety, or welfare;
 2. Last more than 3 calendar years;
 3. Affect a segment of an agency or occupational class; and
 4. Preclude subsequent use of both restored and accrued annual leave within the time limit specified.
-

RESTORED ANNUAL LEAVE

Date of Restoration

The date of restoration is determined as follows:

1. The date the annual leave was restored in correcting an administrative error; or
 2. The date fixed by management as the end of the exigency that resulted in the forfeiture of the annual leave; or
 3. The date the supervisor, after considering the medical documentation, ascertains that the employee is able to return to duty, if the leave was forfeited because of sickness.
-

Time Limit for Use of Restored Annual Leave

The maximum time limit for use of restored leave is the end of the leave year in which the 2-year anniversary date of restoration occurs. Restored leave which is not used by this deadline may not be restored again.

Example: If leave is restored on June 7, 1998, it must be used by the end of the *leave year* in the year 2000. The 2-year anniversary is actually June 7, 2000, but they have until the end of that *leave year*, which will occur in January, 2001.

Extended Exigency - The time limit for use of restored annual leave due to an extended exigency is two years for each calendar year, or part thereof, that the exigency existed, regardless of the number of years during the exigency.

Using Restored Leave

Employees with a restored annual leave account may use their regular annual leave and their restored leave in any order they wish. However, they must advise their leave-approving officials of their choices when requesting the leave. Once the restored leave is used, it may not be changed.

Caution

Employees and leave-approving officials should pay special attention to current year leave balances when employees use restored leave, in order to prevent placing employees in another possible forfeit of "use or lose" leave situation (or restored leave request situation).

RESTORED ANNUAL LEAVE

Missing Employees

Active employees are in a *missing status* when they are determined to be absent in a status of missing, missing in action, interned in a foreign country, captured by hostile forces, or detained in foreign country against their will.

Former missing employees may elect to receive payment for their forfeited leave or to have that leave restored to them. A written request for either must be filed within 90 days immediately following the termination of their missing status.

If payment for forfeited leave is elected, it shall be paid at the employee's rate of basic pay in effect at the time of forfeit. If restored leave is elected, OPM shall prescribe the time limit for use in each case, taking into consideration the amount of the restored leave and other relevant factors.

Employee Separates

Separating employees who have an unused restored leave balance are paid a lump-sum at the current hourly rate for all unused leave at the time of separation. If there is a general pay increase, lump-sum leave pay will be adjusted to include the higher rate for that period of time covered by leave which would have been used after the increase.

Lump-sum payments may also be adjusted to collect any debts owed to the Government.

Procedures for Requesting Restoration of Annual Leave

The following procedures should be used in conjunction with your OPDIV's policy and procedures:

1. Employees, or any level of management below the approving official, may submit requests for restoration of forfeited annual leave to the appointed individual within your OPDIV. Requests must be in writing and must include the following information:
 - Date of employee request;
 - Employee name and Social Security number;
 - Employee timekeeper number;
 - Number of hours of annual leave to be restored; and
 - Justification for the request.

RESTORED ANNUAL LEAVE

Procedures for Requesting Restoration of Annual Leave (cont.)

1. (cont.)

Requests should also have a space for:

- Date of restoration;
- Approval or disapproval;
- Approving official's signature and title;
- Date approved or disapproved.

2. Attach copies of all required documentation to the request and submit the package to the OPDIV appointed person for consideration.
3. If the request is approved, the approving official must sign and date the approval which must then be forwarded to your Servicing Personnel Office (SPO) for processing.

A blank example of a request for restoring leave is shown at the end of this section. If approved by your OPDIV, this form may be used.

Documents Required

A copy of the approved leave request (SF-71 or other written documentation) which shows the date of the application for leave, calendar dates and amount of annual leave scheduled, date of approval, and signature of the leave-approving official should be attached to all requests.

Additional documentation, as listed below, which supports the justification is also required and must be attached to the request.

- a. If restoration is requested because of an administrative error, the documentation must:
 - Describe the event that caused the error.
 - Show dates of the event.
 - Show amount of leave forfeited as a result of the error.
 - Include official statements attesting to the events and to the amount of forfeited leave.

RESTORED ANNUAL LEAVE

Documents Required (cont.)

- b. If restoration is requested because of an exigency of public business, the documentation must include a copy of the exigency determination and any other facts which support action taken including:
- The reason for determination that exigency was of major significance requiring that employee could not be released from duty during the period of the exigency.
 - The reason there was no alternative to the cancellation of leave.
 - The reason that the employee who forfeited leave was affected by work requirement generated by exigency.
 - The reason that another employee could not do the work.
 - If exigency terminated before the end of the leave year, the efforts made, if any, to reschedule the cancelled annual leave, including:
 - date of the rescheduling of the cancelled leave,
 - the date(s) on which the leave was rescheduled for use and amount of leave that was rescheduled, and
 - reason why not all of the cancelled leave was rescheduled or used.

Reminder: An exigency determination document must include:

- The date of determination that the exigency existed;
 - A description of the nature of the exigency; and
 - The beginning and ending dates of the exigency.
- c. If restoration is requested because of illness which precluded the use of annual leave, documentation must include:
- Beginning date of illness and date employee was determined to be recovered and able to return to duty (Include a copy of the medical certificate.).
 - Type of leave used and number of hours charged.

RESTORED ANNUAL LEAVE

*Documents
Required
(cont.)*

c. (cont.)

- If illness terminated before the end of the leave year, efforts made, if any to reschedule the cancelled annual leave, including:
 - The date of rescheduling of the cancelled leave;
 - The dates on which the leave was rescheduled for use and the amount of leave that was rescheduled, and
 - Reason why not all of the cancelled leave was rescheduled or used.
- If an exigency precluded the rescheduling and use of the cancelled annual leave following the illness, include the information in item b above.
- Any other documentation which supports action taken.

Important



Requests for approval of restoration of annual leave *must* be signed by your OPDIV's approving official and then submitted to your SPO so that a special restored leave account may be established.

Until a restored leave account has been established by your SPO for the employee, the restored leave may *not* be used. Timekeepers may *not* enter the use of restored annual leave into a time and attendance record until a balance shows on the employee's OS-340.

Note: Restored annual may be donated under the Voluntary Leave Transfer Program (VLTP).

Caution

Just because forfeited annual leave may be *considered* for restoration does not mean that it will be restored.

If it is approved for restoration, the SPO or Payroll Liaison will establish a restored leave account and notify the employee and timekeeper of the decision and the balance.

RESTORED ANNUAL LEAVE

Sample request for restoration which may be used if approved by your OPDIV:

REQUEST FOR RESTORATION OF ANNUAL LEAVE

Date of Request

Employee's Name

Social Security Number

Timekeeper Number

Number Hours A/L to be Restored

Justification for restoration (Attach all required documentation.):

Employee's Signature

Approved _____ Disapproved _____

**

Date Annual Leave Restored

** Date of restoration of annual leave to correct administrative error, or date exigency ended, or date employee is able to return to duty after illness, whichever applies.

Name of Approving Official (please print)

Signature of Approving Official

Title of Approving Official

Date Approved/Disapproved

RESTORED ANNUAL LEAVE

If approved by your OPDIV, and if the restoration of annual leave is approved, the SPO/Payroll Liaison may use the following sample form to notify the employee and timekeeper of restoration:

EMPLOYEE'S NAME: _____ SSN: _____

TIMEKEEPER # _____ # HOURS A/L LEAVE RESTORED _____

DATE RESTORED _____

EXPIRATION DATE FOR USE: END OF LEAVE YEAR _____

Your Servicing Personnel Office has received documentation authorizing the establishment of a special restored leave account for you. This letter is your certification that the account has been established for the amount of hours listed above.

Employees with restored leave balances must use the restored leave by the last day of the second leave year following the year containing the date your leave was restored or it will be forfeited. Employees must specify on the written leave request (SF-71 or other approved form) that they wish to use restored leave. Once the leave is used, it may not be changed.

Employees and their leave-approving officials are responsible for ensuring that restored annual leave is charged accordingly. If your appointment is terminated before your restored leave account balance is totally used, we will authorize payment for any remaining unused balance. Payment will be included in your lump sum payment.

If you have any questions concerning your account, please contact your leave-approving official. More specific information, including documentation required, may be found in the HHS GUIDE FOR TIMEKEEPING, Chapter 4.

Recorder (SPO/Payroll Liaison)

Date

CHANGING ANNUAL LEAVE TO SICK LEAVE AND VICE VERSA

Rules



1. Annual leave must *not* be changed or substituted retroactively for regular sick leave to avoid forfeiture of annual leave at the close of the leave year, or for any other reason.
 2. Annual leave may be substituted to liquidate indebtedness for advanced sick leave.
 3. If an employee is sick while on annual leave and, immediately upon returning to duty, submits medical documentation, the annual leave may be changed to sick leave.
-

ADMINISTRATIVE LEAVE

Introduction

Administrative leave is excused absence from duty, administratively authorized, without loss of pay and without charge to leave. It is also referred to as *excused absence*. Administrative leave is not earned. It is granted at the discretion of the OPDIV, or the official with the delegated authority, for reasonable periods of time for a variety of special situations.

Check with your OPDIV for supervisory limits and delegated authorities on granting administrative leave.

Administrative Leave Situations

Situations where excused absence may be authorized include, but are not limited to, the following:

- Attendance at administrative hearings;
 - Blood donations;
 - Holidays for part-time employees (See Chapter 11.);
 - Medical examinations or treatments in connection with an application for disability retirement initiated by the Department, or for absence on the day of an on-the-job injury;
 - Registration for military service;
 - Participation in civil defense activities;
 - Voting and registration;
 - Job interviews and other out-placement activities when it is determined that it is in the Department's interest (Downsizing is the most common example.); or
 - Inclement weather or closure of work place. (See Chapter 8.)
-

Bone-Marrow or Organ Donors

In addition to annual and sick leave, employees who serve as bone-marrow or organ/tissue donors are entitled to a maximum of 7 days of excused absence for these purposes.

ADMINISTRATIVE LEAVE

*Caution -
Official Time*

Official time is **not** excused absence, but there may be situations where an employee is authorized to use official time to perform activities other than his/her normal duties. The distinction can be very important because, for example, an employee injured while on excused absence may not be entitled to benefits under the Federal Employees' Compensation Act (FECA), while an employee injured while on official time may be covered.

Official time is included on the employee's record as regular hours worked and is **not** entered as administrative leave.

Examples of situations where supervisors may authorize official time include, but are not limited to, the following:

- For an employee serving as a labor organization representative. Must be properly documented and approved. See applicable negotiated agreements;
 - For an employee meeting with an equal opportunity counselor or an employee assistance staff for counseling; or
 - For employees to participate in fitness activities to help them meet job-related medical standards or physical requirements.
-

ADMINISTRATIVE LEAVE - Court Leave

Court Leave



Court leave is the authorized absence of an employee from official duty for attendance at court and other judicial proceedings, either as a juror or, in certain circumstances as a witness, without charge to other leave or loss of pay.

Court leave is granted to permanent and temporary employees, both full-time and part-time, for serving in a *nonofficial* capacity for:

- a. Jury duty with a Federal, District of Columbia, State or local court;
- b. Witness duty on behalf of a State or local government; or
- c. Witness duty on behalf of a private party when the Federal or District of Columbia government, or State or local government, is a party to the judicial proceeding.

Intermittent employees may *not* be granted court leave.

Employees on *leave without pay* may *not* be granted court leave.

A night shift employee who is eligible for court leave and who is in court during the day is granted court leave for the night shift. The employee is entitled to the night shift differential.

When an employee is required to serve on a jury or as a witness while on annual leave, the leave-approving official **must** substitute court leave if the employee is eligible.

Court leave is granted only for the days, or portions of days, of an employee's scheduled tour of duty on which the employee performs court service.

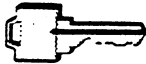
Jury Duty



It is Department policy to request exemption of an employee from jury duty only in those rare cases where the employee's absence would seriously handicap the work of the Department. In such cases, the supervisor should prepare a written statement which clearly relates how the work of the Department would be adversely affected and request exemption from the appropriate court authority. Employees may request exemptions for compelling personal reasons on their own initiative.

ADMINISTRATIVE LEAVE - Court Leave

Jury Duty (cont.)



When excused from jury duty for a day or a part of a day, an employee must return to work if dismissed early enough to return more than 2 hours before the tour of duty is over. The official authorized to grant court leave may continue the employee on court leave for the rest of the day in such cases only if the official determines that return to work would constitute a hardship for the employee.

Witness Duty



Attendance at judicial proceedings as a witness in an official capacity is considered official duty and no leave of any kind is charged. If an employee is summoned by the court or authority, or assigned by the Department, to testify in a nonofficial capacity on behalf of the United States government or that of the District of Columbia, it is considered official duty. Travel expenses for court attendance may be authorized in situations where the employee is considered to be performing official duty.

Court leave may be granted to an employee who is testifying in a nonofficial capacity on behalf of a State or local government.

Court leave may be granted to an employee who is testifying in a nonofficial capacity on behalf of a private party when the United States or District of Columbia Government or a State or local government is a party to the proceeding.

Court leave may **not** be granted to an employee who appears as a witness on his/her own behalf if such a suit is filed by that employee or if the employee is the defendant in the suit. For absences for this purpose, the employee may request annual leave or leave without pay.

Court leave may **not** be granted to an employee who is testifying in a nonofficial capacity in a court suit between private individuals or companies. He/she may request annual leave or leave without pay.

Subpoena, Court Order, or Summons

An employee who is called for court service, either as a witness or juror, must present the court order, subpoena, or summons to the leave-approving official. A copy of the order, subpoena, or summons must be maintained in the time and attendance file for six years.

ADMINISTRATIVE LEAVE - Court Leave

Certificate of Attendance

On return to duty after court leave, the employee must submit written evidence of court attendance, such as a marshal's statement or a certificate of attendance from the court, to the leave-approving official. A copy of the evidence of court attendance must be maintained in the time and attendance file for six years.

Fees and Expense Money



Fees received for jury duty or witness service cannot be retained by the employee when court leave is granted, or when an employee is on official duty. The employee should accept such fees and submit them to the appropriate HHS finance office.

Fees received may be retained if they are for service outside the regular tour of duty or on a non-workday or holiday. *Fees* may also be retained if they are for service as a nonofficial witness in a court suit between private individuals or companies, since the employee is not on court leave or official duty in such a situation.

Expense Money - Not all monies received for jury or witness service are classified as fees. Some government entities provide "expense money" which is considered reimbursement for expenses incurred while serving as a juror or witness. Expense money received may be retained by the employee.

ADMINISTRATIVE LEAVE - Court Leave

Table

Use the following table as a quick reference for using and/or approving court leave:

IF THE EMPLOYEE IS...	THEN THE EMPLOYEE IS ON...
On jury duty	Court leave
A witness in any official capacity	Official duty
A witness on behalf of the U.S. or D.C. government, either official or nonofficial	Official duty
A witness on behalf of a state or local government, in a nonofficial capacity	Court leave
A witness on behalf of a private party when the U.S., D.C., state, or local government is a party in the suit	Court leave
A witness on behalf of a private party when the U.S., D.C. or state government is <i>not</i> a party in the suit	Annual leave or leave without pay
A witness on his/her own behalf in a court suit filed by the employee, or when the employee is the defendant	Annual leave or leave without pay
A court suit between private individuals or companies	Annual leave or leave without pay

Reminder: Intermittent employees and employees on leave without pay may *not* be granted court leave.

ADMINISTRATIVE LEAVE - Funeral

Funeral Leave

Funeral Leave is excused absence (administrative leave) which may be granted to employees to make arrangements for, or to attend a funeral or memorial service for:

- An immediate family member who was an active member of the Armed Forces whose death resulted from wounds, disease, or injury incurred while in a combat zone.

The maximum excused absence which may be granted for funeral leave in the above instance is **three workdays** per occurrence.

Excused absence for funeral leave may also be granted to a veteran to enable him/her to participate in a military funeral as an active pallbearer or as a member of a firing squad or guard of honor. The maximum excused absence allowed in this instance may not exceed **four hours** in any one day.

In all other cases, annual leave or leave without pay may be granted for funeral leave.

Within certain limitations under the Family Friendly Leave Act, sick leave may also be granted for funerals. See the Sick Leave section for these limitations.

Proof that the employee is entitled to excused absence for funeral leave may also be required.

Note: There is no *annual* limit on the amount of funeral leave used.

Funerals - Federal Law Enforcement Officers and Firefighters

Federal law enforcement officers or Federal firefighters may be excused from duty to attend the funeral of a fellow Federal law enforcement officer or Federal firefighter who was killed in the line of duty.

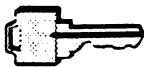
Attendance at such a service is considered official duty and is, therefore, recorded as regular hours.

ADMINISTRATIVE LEAVE - Time-Off Award

Time-Off Award

A *time-off award* is an incentive award granted to an employee that allows an excused absence from duty without charge to leave or loss of pay. These awards are granted to employees in recognition of a contribution to the quality, efficiency, or economy of Government operations.

Granting Time Off



OPDIVs may authorize supervisors to grant time-off awards without further review or approval for periods not to exceed 1 workday.

Each determination to grant a time-off award for periods of more than 1 workday, including the amount of such an award, shall be reviewed and approved by an official who is at a higher level than the official who made the initial decision (unless there is no higher level official).

Check with your OPDIV for policies and limitations concerning time-off awards.

SF-50

When an employee receives a time-off award, a Personnel Action (SF-50) authorizing the employee's entitlement to the Time Off Award will be processed, stating the number of time-off leave hours granted.

The employee must provide a copy of the SF-50 to the timekeeper as supporting documentation for any time-off leave hours used.

Using Time- Off Leave

To use time-off leave, employees follow the usual procedures established by the OPDIV, using the SF-71 or other documentation as determined by the OPDIV to request leave.

Timekeepers must record the use of time-off leave and maintain the balance to ensure that the number of hours used equals the number specified on the SF-50.

Unused Time- Off Leave

There is no time limit for using time-off-award leave. However, if an employee separates, transfers, or retires without using the time-off leave, it will be lost. The law prohibits converting time-off leave to a cash payment under any circumstances.

FAMILY AND MEDICAL LEAVE ACT

Family and Medical Leave Act



To be eligible for leave under the FMLA, full-time or part-time employees must have completed at least 12-months of service (not required to be 12 recent or consecutive months).

In addition to other leave to which employees may be entitled, the Family and Medical Leave Act (FMLA) provides full-time Federal employees with a total of 12 administrative workweeks of unpaid leave during any 12-month period for:

- a. the birth of a son or daughter of the employee and care of the newborn;
- b. the placement of a son or daughter with the employee for adoption or foster care;
- c. the care of a spouse, son, daughter, or parent of the employee with a serious health condition; or
- d. a serious health condition of the employee that makes the employee unable to perform any one or more of the essential functions of his or her position.

If agreed to by the employee and the OPDIV, and when medically necessary, leave may be used intermittently or at a reduced schedule. Supporting medical certification may be required.

Leave entitlement for part-time employees equals 12 times the average number of hours in an employee's regularly scheduled workweek. (If the number of hours varies from week to week, a weekly average of the hours scheduled over the 12 weeks prior to the date leave commences shall be used as the basis for this calculation.)

Example: A part-time employee works 30 hours per week, 60 hours per pay period. Entitlement would be twelve 30-hour weeks of unpaid leave during any 12-month period under FMLA.

Invoking FMLA

Employees must invoke their entitlement to FMLA leave. Leave must be requested in writing, stating that the leave is for use under FMLA.

Employees *may not* invoke entitlement to FMLA leave retroactively for any previous absence from work.

LEAVE WITHOUT PAY

Introduction

Leave without pay (LWOP) is *approved* absence for which the employee is not paid. LWOP must be requested by the employee.

An employee is eligible for LWOP regardless of length of service or annual and sick leave balances.

Employees must submit a written application to the supervisor before using LWOP. If, for emergency reasons, that is impossible, the supervisor must collect a written application when the employee returns to work.

Note: See the next page for information on Extended LWOP.

Important



Except for specific situations such as the Family and Medical Leave Act, employees do *not* have a right to LWOP. Management has the discretion to determine whether requests for LWOP will be approved.

LWOP *must not* be granted when absence without leave (AWOL) is appropriate. If a request was not approved, or not made, and the employee is absent, he or she is then absent without leave (AWOL).

If an employee has followed the proper procedures for requesting leave and provides acceptable evidence, the supervisor *must* grant a request for LWOP if the employee:

- Is a disabled veteran seeking treatment required in connection with the disability; or
 - Has suffered an incapacitating job-related injury or illness, has exhausted any available continuation of pay, and is awaiting adjudication of a Workers Compensation claim.
-

Charging LWOP



Charge LWOP in $\frac{1}{4}$ -hour units (15-minute increments), unless your OPDIV has established a minimum leave charge of $\frac{1}{2}$ hour or 1 hour.

There is *no limit* to the amount of LWOP that can be charged, as long as it does not exceed the tour for the pay period. Excessive use of LWOP does, however, have adverse effects on leave accruals, etc.

EXTENDED LEAVE WITHOUT PAY

Extended LWOP

If an employee requests more than 30 days of LWOP, it is called *extended leave without pay*. This extended LWOP requires a personnel action (SF-50).

Reasons for extended LWOP include, but are not limited to:

- Recovery from an illness or disability;
- Fulfillment of family responsibilities (e.g., to care for an elderly parent or sick child);
- Protection or improvement of health;
- Protection of status and benefit eligibility pending final action on claims for disability retirement or injury compensation;
- For educational purposes, when the course of study or research is in line with work being performed by the Department; and
- Furtherance of a program of interest to the government (e.g., Peace Corps, Presidential Executive Exchange Program, etc).

Requirement

Timekeepers must continue to submit T&A data at the end of each pay period for an employee who is on extended LWOP, even though he or she has been officially removed from a pay status.

ABSENCE WITHOUT LEAVE

Introduction

Absence without leave (AWOL) is unpaid leave charged when:

- An employee is absent without permission or approval; or
- An employee has not notified his/her supervisor of the absence;
- An employee has not provided satisfactory explanation or documentation for the absence from duty.

A timekeeper does not have the authority to grant leave. Therefore, when it cannot be determined that leave has been approved for an employee, the proper charge for the absence is AWOL, *not* LWOP.

An AWOL charge may be changed later to an appropriate type of leave, if the leave-approving official determines that the employee has satisfactorily explained the absence or presented acceptable documentation. The leave approving official will inform the timekeeper when an employee is AWOL.

Requirement



A written application for AWOL is **never** appropriate.

If LWOP and AWOL are both involved, use the written application for leave to determine how much time is LWOP. The balance is AWOL.

SUSPENSION

Introduction

Suspension is the placement of an employee in a temporary status without duties and without pay for disciplinary or other reasons.

Requirement

An SF-50B, Notification of Personnel Action, must be processed for a suspended employee. One must also be processed to return the employee to duty after suspension.

Employees who are suspended are entitled to appeal the suspension through an applicable grievance procedure or to the Merit Systems Protection Board. Accordingly, appropriate documentation pertaining to each suspension and the return to duty (SF-50s, etc.) must be maintained.

Pay



Employees are *not paid* while they are suspended. This means that they do *not* receive *any* money, including differentials or premium pay or any other form of pay, for the days on suspension.

FURLOUGH

Introduction

A furlough is the placement of an employee in a temporary status without duties and pay because of lack of work or funds or other non-disciplinary reasons. For example, a furlough is sometimes due to sequestration or lapsed appropriations. Furloughs are *not* considered to be a break-in-service. A furlough can be either:

- Continuous (without a break); or
 - Discontinuous (e.g., 1 day per week for 22 weeks).
-

Requirement

An SF-50, Notification of Personnel Action, must be prepared for each individual subject to furlough.

A return to duty SF-50 is required for employees returning from continuous furloughs. An SF-50 is *not* required for employees returning from discontinuous furloughs.

Holidays

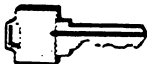


Employees may be furloughed for periods of time that include holidays. As a general rule, an employee is entitled to pay for a holiday as long as he or she is in a pay status **either** the workday preceding a holiday or the workday following a holiday. However, if an employee is on furlough the last hour (or ¼ hour) of the day before the holiday **and** the first hour (or ¼ hour) after the holiday, he or she is not paid for the holiday.

Reminder: Pay status is any day for which an employee is entitled to receive pay, including leave and holidays.

Note: Furloughs will not normally start or end on a holiday.

Continuation of Pay (COP)



Furloughs do not interrupt or terminate continuation of pay (COP). For information about COP, see Chapter 6.

Chapter 7. Religious Compensatory Time

RELIGIOUS COMPENSATORY TIME

Introduction

Religious compensatory time is time off used for religious observances which require the abstention from work during certain periods of time. Employees *must repay* the amount of religious compensatory time used by working beyond their scheduled tours for the same number of hours used. Use of religious compensatory time is subject to supervisor approval.

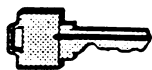
Reasonable accommodations must be made to grant religious compensatory time to employees for such observances, unless the adjustment of the work schedule will interfere with the efficient accomplishment of the organization's mission.

All DHHS civilian employees, regardless of exempt/non-exempt status or grade, may be granted religious compensatory time.

The statute is not intended to give Federal employees additional holidays or annual leave. Rather, it is intended to provide employees an added option for following their religious beliefs. Employees may request other forms of accumulated leave as appropriate (i.e., annual leave, credit hours, etc.), or LWOP, or a combination of leave and LWOP, for religious purposes.

Religious compensatory time is entirely different from regular compensatory time. Do not confuse the two. Regular compensatory time is covered in Chapter 9.

Rules



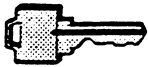
Employees may earn and use religious compensatory time in the same increments as they are permitted to earn credit hours, regular compensatory time, and overtime.

Religious compensatory time may be earned before or after its use. It must be repaid within a reasonable amount of time as determined by the OPDIV.

Important: Employees *may not* earn regular compensatory time or be compensated for overtime until any outstanding balance owed for religious compensatory time is repaid (worked off) in full.

RELIGIOUS COMPENSATORY TIME

Rules (cont.)



Religious compensatory time may not be earned at an alternative work site unless the employee is already approved to work at the alternative work site (e.g., under an approved flexi-place agreement).

Employees who earn religious compensatory time and subsequently are unable to use the time earned, retain credit for the religious compensatory time earned until it is used or until the employee separates.

Requesting Religious Compensatory Time

Employees must request approval from their leave-approving officials to earn and use religious compensatory time. The request must be made in advance, in writing, and must include the following:

- The date(s) and number of hours requested;
 - A brief explanation of the personal religious belief that requires the employee to abstain from work at the time requested; and
 - The date(s) and times the employee will repay the hours used.
-

Evaluating Employee Requests

Before granting an employee's request for religious compensatory time, the leave-approving official must ensure that the employee has provided the information required. If the employee failed to provide the required information, the employee should be informed and the request returned without action.

"Personal religious belief" shall be interpreted broadly. Approval or disapproval must be in writing. When the request is disapproved, the reason for disapproval must be specified in writing.

Examples of situations warranting possible disapproval are:

- High priority work will not be performed timely.
 - Absence will cause unsafe working conditions for co-workers.
 - Essential work cannot be performed by another employee during the absence.
 - The work cannot appropriately be performed during overtime periods.
 - It will result in more than a nominal increase in operating costs.
 - It will compromise employment entitlements of other employees.
-

RELIGIOUS COMPENSATORY TIME

*Employee
Separates*

If religious compensatory time used has not been repaid by the date the employee is separated, the Department will withhold an appropriate amount of basic pay from the employee's final settlement. The employee may choose to have the owed time charged to annual leave if he or she has sufficient annual leave balance.

Premium pay provisions of the Fair Labor Standards Act (FLSA) do not apply to overtime worked in connection with religious compensatory time. Religious compensatory time is merely a substitution of time and cannot result in an entitlement to premium pay. Should payment for religious compensatory time become necessary (employee separates with unused religious compensatory time), the hours are *not* paid at the overtime rate. They are paid at the basic rate of pay at the time the work was performed.
